

Response Under 37 CFR 1.116
Expedited Procedures
Examining Group 7/23/

Docket No. MACH2/CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Examiner : Jehanne Souaya Sitton
Group Art Unit : 1634
Applicants : Bernard F. Mach et al.
Application No. : 08/484,786 Confirmation No.: 4894
Filed : June 7, 1995
For : DNA SEQUENCES CODING FOR THE DR- β CHAIN
LOCUS OF THE HUMAN LYMPHOCYTE ANTIGEN
COMPLEX AND POLYPEPTIDES, DIAGNOSTIC
TYPING PROCESSES AND PRODUCTS RELATED
THERE TO

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Mail Stop AF

TERMINAL DISCLAIMER
PURSUANT TO 37 C.F.R. § 1.321(c)

Sir:

BIOMERIEUX SA, having its principal place of business
at 69 280 Marcy L'Etoile, France (hereinafter "BIOMERIEUX"),
represents that it is the assignee of record of the entire
right, title and interest, by assignment, of the following:

United States patent application 08/484,786 (hereinafter "the '786 application"), filed June 7, 1995, for "DNA SEQUENCES CODING FOR THE DR- β CHAIN LOCUS OF THE HUMAN LYMPHOCYTE ANTIGEN COMPLEX AND POLYPEPTIDES, DIAGNOSTIC TYPING PROCESSES AND PRODUCTS RELATED THERETO", as a continuation application of United States patent application 07/902,999 (now United States patent 5,503,976 - issued April 2, 1996), the assignment for which was recorded on May 5, 1993 at Reel 6522, Frame 0428, which was filed as a divisional application of United States patent application 06/518,393 (now United States patent 5,169,941 - issued on December 8, 1992) (hereinafter "the '941 patent"), filed July 29, 1983, for "DNA SEQUENCES CODING FOR THE DR- β CHAIN LOCUS OF THE HUMAN LYMPHOCYTE ANTIGEN COMPLEX AND POLYPEPTIDES, DIAGNOSTIC TYPING PROCESSES AND PRODUCTS RELATED THERETO", the assignment for which was recorded on May 5, 1993 at Reel 6531, Frame 0122.

The undersigned, on behalf of BIOMERIEUX, hereby disclaims the terminal portion of any patent granted on the above-identified '786 application, which would extend beyond the expiration date of the full statutory term of the '976 patent.

The undersigned, on behalf of BIOMERIEUX, agrees that any patent so granted on the above-identified '786 application

shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '976 patent, this agreement to run with any patent granted on the above-identified '786 application and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of BIOMERIEUX, does not disclaim any terminal portion of any patent granted on the above-identified '786 application prior to December 8, 2009, the expiration of the full statutory term of the '976 patent. In the event that the '976 patent: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a) or (b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. She is an attorney of record in the above-identified '786 application, as well as the '976 patent, and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title in and to the above-identified '786 application, is in assignee.

BIOMERIEUX SA

BY: 

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Date: April 6, 2004